

CERTIFICATION

I certify that I am Vice President and General Counsel of Fibertech Networks, LLC, and that I have personal knowledge that the company has established operating procedures in compliance with the Federal Communications Commission's rules governing use of Customer Proprietary Network Information. Attached is a copy of the company policy on Customer Proprietary Network Information that demonstrates the company's compliance with the Federal Communications Commission's rules.

Printed Name: Charles B. Stockdale Position: Vice President + General Counsel

Signature: Charles B. Stockdale Date: 2/3/06

**FIBERTECH NETWORKS, LLC POLICY ON
USE OF CUSTOMER PROPRIETARY NETWORK INFORMATION**

Summary

The purpose of this statement is to memorialize the policy of Fibertech Networks, LLC and its affiliates (collectively, "Fibertech") on the use of Customer Proprietary Network Information ("CPNI"). Fibertech's policy is based upon and compliant with Federal Communications Commission ("FCC") rules and regulations governing CPNI.¹ Fibertech is committed to the protection and non-disclosure of its customers' CPNI in compliance with existing rules and regulations.

Any questions regarding this policy or any use of CPNI should be directed to:

Charles Stockdale
Vice President and General Counsel
140 Allens Creek Road
Rochester, NY 14618
(585) 697-5113
cstockdale@fibertech.com

Any suspected violations by other carriers of the federal rules described in this policy should be directed to Charles Stockdale as well.

Key Definitions

Affiliate- a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person. For the purposes of this paragraph, the term "own" means to own an equity interest of more than 10 percent.

Customer Proprietary Network Information (CPNI) – is defined as: (i) information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; (ii) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; (iii) except that such term does not include Subscriber List Information.

Communications-Related Services – telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision and maintenance of customer premises equipment.

Subscriber List Information- means any information identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary

¹ 47 U.S.C. § 222(h)(1).

advertising classifications, or any combination of such listed names, numbers, addresses, or classifications; and that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

Fibertech's CPNI Policy

I) USE OF CPNI WITHOUT CUSTOMER APPROVAL

In certain instances, the Fibertech entity providing telecommunications services uses, discloses or permits access to CPNI without having to obtain customer approval, including:

- 1) To initiate, render, bill and collect for telecommunications services;
- 2) To protect the rights or property of Fibertech, or to protect users or other carriers from fraudulent, abusive, or illegal use of, or subscription to, such service;
- 3) To market services within the package of services to which the customer already subscribes; and
- 4) To complete inside wiring installation, maintenance, and repair services.

A. Sharing of CPNI with Fibertech's Affiliates

If the Fibertech entity only provides services within one category of services or if a customer subscribes to more than one category of service offered by the Fibertech entity, then the Fibertech entity may share the CPNI of a customer with its affiliates that also provide a service offering to the customer. If the Fibertech entity provides services in more than one category of services and the customer does not subscribe to more than one category of Fibertech service, then Fibertech may not share the CPNI of the customer with an affiliate unless it obtains either customer opt-in or opt-out approval (the method depends whether the Fibertech affiliate offers communications-related service).

II) USE OF CPNI WHEN CUSTOMER APPROVAL IS REQUIRED

If Fibertech's use of CPNI does not fall within one of the categories set forth in section I of this policy, then Fibertech will acquire customer approval before proceeding with such use. Fibertech will obtain any approval through written or electronic methods and maintain records of customer approval for at least one year. For communications-related services, Fibertech will utilize either the "opt-out" or "opt-in" method at its discretion, each of which is described in greater detail below. For all non-communications uses, the "opt-in" approval process must be utilized. Prior to any solicitation for customer approval, Fibertech will provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI. Fibertech's solicitation for use of CPNI will be proximate to the notification of a customer's CPNI rights.

A. Notification Requirements Generally

1. Examples of the Notifications that Fibertech will utilize before using CPNI or soliciting customer approval of such use (as such may be revised from time to time) are attached to this policy.
2. The notification must state that the customer has the right, and that Fibertech has the duty, under federal law, to protect the confidentiality of the customer's CPNI.
3. The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purpose for the which the CPNI will be used and inform the customer of their right to disapprove those uses, and deny or withdraw access to CPNI at any time.
4. The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customers subscribes. Fibertech may state that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's need.
5. The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from the carrier is valid until the customer affirmatively revokes or limits such approval or denial.

B. Opt-Out Approval

Use of CPNI by Fibertech or disclosure to Fibertech affiliated entities providing communications-related services requires a customer's knowing consent in the form of notice and opt-out approval. Fibertech will provide customers with advance notice that they intend to use a customer's CPNI and give the customer an opportunity to disapprove the use. The following are additional requirements concerning opt-out approval:

1. To ensure that customers have an opportunity to respond, there will be a reasonable waiting period, at least 30 days, before consent to use CPNI is inferred. Fibertech will notify customers as to the applicable waiting period. Fibertech will honor customer decisions to opt-out of requested uses whenever those decisions are communicated by customers, which may occur during or after the waiting period. Fibertech will implement and honor the customer's later request for privacy as expeditiously as possible within the regular course of business.
2. In the case of written notification by mail, the waiting period will begin to run on the third day following the date the notification was mailed. In the case of electronic notification, the waiting period will begin to run on the date the notification was sent.

3. Fibertech will transmit refresher notices to customers of their opt-out rights at least every two years. The refresher notice will advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election. However, customers who wish to reverse their previous decision to opt-out, or consumers who have not previously opted-out but wish to do so, must take action as described in the notice.
4. If Fibertech's opt-out mechanisms break down, Fibertech will notify the FCC within five business days in a format compliant with FCC rules.
5. When Fibertech uses an electronic form of Notification, Fibertech will also:
 - a. have obtained express, verifiable prior approval from the customer that electronic notices are acceptable for their services in general or CPNI in particular.
 - b. allow customers to reply directly to the electronic notice to opt-out
 - c. not count electronic notices that were returned as undeliverable as having satisfied the Notification requirement.
 - d. ensure that the subject line clearly identifies the subject matter of the e-mail.
 - e. make available to every customer (including but not limited to those without Internet access and disabled customers) a method to opt-out that is of no additional cost to the customer and available 24 hours a day, seven days a week.

C. Opt-In Approval

Disclosure of CPNI to unrelated third parties or to affiliates that do not provide communications-related services requires express customer consent through "opt-in" approval. This approval method requires that Fibertech obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure or access after the customer is provided appropriate notification of the carrier's request.

III. OTHER ISSUES

A. Oral Notification- A carrier must provide notification to obtain opt-out approval through electronic or written methods and not by oral methods, except that Fibertech may use oral notice to obtain limited, one time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether Fibertech uses opt-out or opt-in approval based on the nature of the contact. When using the one time oral notice, the Fibertech representative must clearly communicate the same information that is provided in an Fibertech written notice (see attached sample);

however, the Fibertech representative need not advise customers that (1) Fibertech may share CPNI with their affiliates or third parties and need not name those entities if the limited CPNI usage will not result in use by or disclosure to an affiliate or third party; (2) certain steps are necessary to approval or restrict use of CPNI as long as the representative makes it clear that the customer can deny access for the call; and (3) previous opt-out decisions require no further action to maintain the opt-out election.

Notation should be made in the customer records of any one-time oral notice to the customer and the customers' acceptance or rejection of one-time use of CPNI.

B. Subsequent Notices – Fibertech will honor its customers' CPNI elections unless and until a customer affirmatively changes his or her election. Following a customer's election to withhold approval of CPNI usage, Fibertech may subsequently attempt to secure the customer's approval to use, disclose, or permit access to CPNI as frequently as Fibertech deems appropriate, however, Fibertech will not force customers to opt-out repeatedly in an attempt to wear the customer down and obtain an inadvertent approval. Upon receipt of written request by the customer, Fibertech will disclose CPNI to the customer.

C. New Customers – Fibertech may request that consumers affirmatively make a CPNI election when the customer signs up for service. However, if Fibertech provides an opt-out notice but does not require the customer to specifically demonstrate his decision to opt-out, then Fibertech will abide by the thirty (30) day waiting period. The customers election will be separate and distinct from the customer's decision to purchase Fibertech's service. Fibertech will not require customers to assent to CPNI as a condition of service.

D. Safeguards

1. **Customer Status:** Fibertech has implemented a system where a customer's CPNI approval status is clearly indicated on the customer's records.

2. **Training:** All Fibertech personnel must be trained as to when and how CPNI may be used. If you have not received training, please contact Charles Stockdale.

3. **Disciplinary Action:** Failure to abide by the Fibertech CPNI policy will result in disciplinary action in accordance with the provisions of Section 3.11 of the Employee Handbook of Fibertech Networks, LLC.

4. **Marketing Campaigns:** Fibertech and its affiliates that utilize CPNI in marketing campaigns must create a record specifying when and how CPNI was used and to whom it was disclosed or to whom access was permitted. This record must include a description of the campaign, the CPNI used, and the products and services offered in the campaign. Please provide copies of all records to Charles Stockdale. The records will be maintained for at least one year.

5. **Outbound Marketing:** All sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval. Records of compliance will be maintained for at least one year.

SAMPLE "OPT-OUT" NOTICE

Fibertech Networks, LLC, its affiliates and subsidiaries (collectively "Fibertech") may wish to offer you products and services that will best meet your needs by using information about the services you have already purchased from our family of companies.

Under federal law, you have the right to have your telecommunications information treated confidentially, and Fibertech has the duty to protect such confidentiality. This customer information includes the type and class of telecommunications services you have, technical characteristics, and the related billing for these services.

Unless you act in accordance with the provisions of the following paragraph to restrict Fibertech's use of such information, Fibertech may use this information, without further authorization by you, to tailor its products and services to your needs and to enhance its ability to meet all of your telecommunications needs. We may sometimes make you aware of new or alternate products and services Fibertech offers. Fibertech also may share this information for communications related services with its affiliates, agents, partners, joint ventures, or other related entities for administrative and marketing purposes.

You have the right to restrict Fibertech's use of your customer information for these purposes. Your decision to restrict use of your customer information will not affect the service you receive from Fibertech. If you wish to restrict Fibertech's use of your customer information, please notify Fibertech, in writing at the address below or call us at 866-697-5100 within 30 days of receipt of this notice. You may also contact us in writing or at the toll-free number to restrict the use of your information at any time after the initial 30 day period. If you do not restrict Fibertech's use of your information, we can use your customer information for the purposes described in this notice, such as offering you new innovative communications related products and services that you may find valuable. You may change your decision at any time and your decision will remain valid until you tell us otherwise.

Fibertech would like to take this opportunity to thank you for your business.

Address for provision of written notice:

Fibertech Networks, LLC
140 Allen Creek Road
Rochester, NY 14618
Attn: Julie Adams

SAMPLE "OPT-IN" NOTICE

Fibertech Networks, LLC, its affiliates and subsidiaries (collectively "Fibertech") may wish to offer you products and services that will best meet your needs by using information about the services you have already purchased from our family of companies.

Under federal law, you have the right to have your telecommunications information treated confidentially, and Fibertech has the duty to protect such confidentiality. This customer information includes the type and class of telecommunications services you have, technical characteristics, and the related billing for these services.

If you execute this notice, Fibertech may use your telecommunications information, without further authorization by you, to tailor its products and services to your needs and to enhance its ability to meet all of your telecommunications needs. We may sometimes make you aware of new or alternate products and services Fibertech offers. Fibertech may wish to share this information for communications and non-communications related services with its affiliates, agents, partners, joint ventures, or other related entities for administrative and marketing purposes.

You have the right to authorize or restrict Fibertech's use of your customer information for these purposes. Your decision to authorize or restrict use of your customer information will not affect the service you receive from Fibertech. If you wish to restrict Fibertech's use of your customer information, no further action is necessary. If you wish to authorize Fibertech's use of your customer information, please execute the bottom portion of this notice and return it in the self-addressed stamped envelope to the address below or call us at 866-697-5100. You may also contact us in writing or at the toll-free number to restrict the use of your information at any time after giving Fibertech approval. If you authorize Fibertech's use of your information, we can use your customer information for the purposes described in this notice, such as offering you new innovative products and services that you may find valuable. You may change your decision at any time and your decision will remain valid until you tell us otherwise.

Fibertech would like to take this opportunity to thank you for your business.

Customer Authorization: _____ (name and date)
_____ (account)

This Authorization may be sent to:

Fibertech Networks, LLC
140 Allen Creek Road
Rochester, NY 14618
Attn: Julie Adams